

**ROBBIE G. PLYLER and DEBORAH
PLYLER,**

Plaintiffs,

V.

COX BROTHERS, INC. et al,

Defendants.

ORDER

THIS MATTER is before the Court on the Consent Motion to Set Supersedeas Bond, (Doc. No. 76), filed by Defendants Cox Brothers Farms, a North Carolina general partnership, Russell F. Cox, Delano S. Cox, Marion F. Cox, and Campbell Cox (collectively, “Defendants”). Plaintiffs have consented to entry of this order. Upon consideration of the Motion and other materials before this Court, the Court has determined the Motion should be granted.

The Court finds and concludes Defendants are insured under a farm owners liability policy from North Carolina Farm Bureau Mutual Insurance Company in the amount of \$1 million. The policy additionally covers pre-judgment interest on that part of the judgment Farm Bureau pays, as well as post-judgment interest on the entire judgment amount up until the date Farm Bureau tenders its policy limits. In the present instance, Farm Bureau has committed to paying its policy limits (\$1,000,000), pre-judgment interest on that amount (\$104,548), and all post-judgment interest accrued to date in the event that the judgment remains following exhaustion of all appeal rights.


The Court further finds and concludes when Farm Bureau's coverage is taken into account, a bond in the amount of \$1,647,000.00 would fully secure Plaintiffs' judgment pending appeal.

IT IS THEREFORE ORDERED that, pursuant to Federal Rule 62, the amount of the supersedeas bond necessary to stay execution of this Court's December 7, 2023, judgment (Doc. No. 54, as amended by Doc. No. 69 and Doc. No. 72) (as amended, the "Judgment"), is set at \$1,647,000.00.

IT IS FURTHER ORDERED that, upon deposit by Defendants of a \$1,647,000.00 cash or supersedeas bond with this Court, execution on the Judgment shall be and will remain stayed until the expiration of Defendants' full time for pursuing appellate review of the Judgment, including discretionary review or certiorari.

IT IS SO ORDERED.

Signed: June 3, 2024


Frank D. Whitney
United States District Judge

